

REMARKS

Claims 1 - 27 are pending in the present Application. Claims 22 and 23 have been withdrawn, Claims 24 – 27 have been cancelled, and Claims 28 – 30 have been added, leaving Claims 1 – 21 and 28 – 30 for consideration upon entry of the present Amendment.

Claims 22 – 27 have been withdrawn or cancelled merely because they are drawn to a non-elected invention.

New Claims 28 – 30 are at least supported by original Claim 16. No new matter has been added with these new claims.

Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Information Disclosure Statement

Applicants note that the Examiner has not considered the art submitted in the Information Disclosure Statement dated March 26, 2007, more specifically the two Articles listed in the Non-Patent Literature section. Applicants respectfully request that the art submitted in this Information Disclosure Statement be considered and a fully initialed PTO Form A820 be returned to the Applicants.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1 - 7 and 10 - 19 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 7,060,217 to Dunton et al. in view of U.S. Patent No. 5,976,288 to Ekendahl. Claims 8, 9, 20 and 21 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 7,060,217 to Dunton et al. and U.S. Patent No. 5,976,288 to Ekendahl in view of U.S. Patent No. 5,026,448 to Raebler et al.

Applicants respectfully traverse these rejections.

Applicants respectfully submit that Dunton et al. is not available as a reference for a 35 U.S.C. §103(a) rejection. Section 103(c)(1) provides that;

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Given that all of the claims of the present application are supported by the parent application filed January 26, 2004, and given that Dunton et al. published under 35 U.S.C. §122(b) on December 16, 2004, from an application filed June 12, 2003, Dunton et al. only qualify as prior art under 35 U.S.C. §102(e). Dunton et al. and the claimed invention were also subject to an obligation of assignment to the same person (General Electric Company) at the time the claimed invention was made. Therefore, according to 35 U.S.C. §103(c)(1), Dunton et al. is not available as a reference for an obviousness rejection. Applicants therefore respectfully request the reconsideration and withdrawal of these rejections.

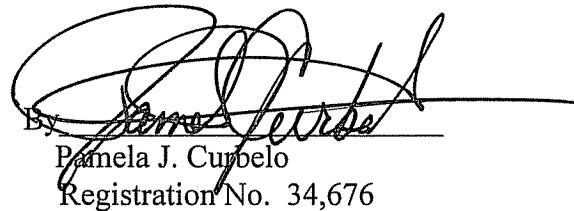
Applicants note that since Dunton et al. are not a proper reference under 35 U.S.C. § 103(a), Applicants have not reviewed, and are not addressing, the substantive portion of the rejection over Dunton et al., Ekendahl, and Raefler et al. The lack of discussion of the references is merely due to the fact that the rejection is not proper, and should not be construed to concede or agree with the assessment of the references.

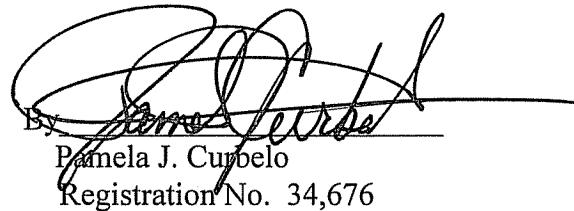
It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-3622.

Respectfully submitted,

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